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SUBJECT: UN HUMAN RIGHTS OFFICIAL CANCELS TRIP TO CAMBODIA

Classified By: Pol/Econ Chief Margaret McKean, Reason 1.4 (b) and (d)

11. (SBU) Summary. UN Special Rapporteur for Human Rights in Cambodia, Yash Ghai, has canceled his planned visit to Cambodia, according to the UN Human Rights Office. UN Human Rights Office Director Margo Picken said that Yash Ghai's visit was postponed for reasons unrelated to Cambodia. She hopes that the Cambodian government will respond to Yash Ghai's latest human rights draft report, as Ghai would like to incorporate the RGC's comments in his presentation of the report to the Human Rights Council, although the date of that presentation has now been postponed. Cambodian government reaction to Yash Ghai's report has been negative; civil society representatives and members of the political opposition have welcomed his findings and recommendations. End Summary.

Yash Ghai Continues to Stir Controversy

12. (SBU) Media reports over the past week have noted that Yash Ghai, the UN Special Rapporteur for Human Rights in Cambodia, will not be coming to the country as planned. Many in Cambodia erroneously jumped to the conclusion that he canceled his visit because senior members of the RGC refused to meet with him, explained UN Human Rights Office Director Margo Picken. Picken noted that her organization had sent forward a request for meetings with the Prime Minister and other senior officials. She added that Yash Ghai had already decided to cancel his trip before her office had received the official RGC response due to reasons unrelated to Cambodia. The only member of the RGC designated to meet with Yash Ghai was Om Yentheng, the PM's advisor on human rights matters. Given the paucity of official meetings, some in town had speculated that the Special Rapporteur altered his plans accordingly, and decided Cambodia was not worth the trip. Margo Picken assured us that was not the case, and Ghai will return at a future date.

13. (C) The report issued by Ghai, however, has received negative reaction on the part of some RGC officials, said Picken, while many others have dismissed the findings as unfounded. Picken said that her office had reassured the government that RGC comments and responses to the report would be welcome, and that Yash Ghai would incorporate them into his presentation before the Human Rights Council. His report, continued Picken, was to be presented in Geneva this month during the 4th session of the Human Rights Council. However, due to the Council's full agenda and lack of clarity over the continuation of the country-specific mandates, the individual presentations by Special Rapporteurs reportedly have been postponed -- possibly until the as-yet unscheduled 5th session, said Picken. The RGC is hopeful that the single country mandates and the Special Rapporteur role for

individuals such as Yash Ghai will be done away with by the Human Rights Council, and Picken worries that the Japanese government is supportive of this position at least for Cambodia.

¶4. (U) NGOs have described Yash Ghai's report as confirmation of a human rights situation well-known to their respective organizations, and say that the Special Rapporteur's conclusions are nothing new. Although organized according to relevant government institutions whose work bears on human rights matters, many of Yash Ghai's findings mirror those in the Embassy's annual human rights report submission. When asked why the Embassy does not receive the same level of RGC criticism as that levied against Yash Ghai, SRP MP Son Chhay said that the Cambodian government's history of poor relations with the UN Human Rights Office and the individuals in the Special Rapporteur position is one reason. More important, he noted, was the RGC's desire for good USG relations. The UN will continue its programs of assistance to Cambodia irrespective of the government's poor treatment of one of its entities, he added.

¶5. (C) Comment. Yash Ghai's report, coming out at more or less the same time as our own human rights report, has become a lightning rod for RGC wrath at a time when the government's tolerance of criticism by outsiders is particularly thin. Many CPP and government officials are talking openly about how particularly thin-skinned the Prime Minister is at this juncture -- going into elections, still smarting over donor criticism at the GDCC meeting in February, and reeling from the Open Society Justice Initiative's reference to the UNDP audit at the ECCC for allegations of unfair hiring practices and corruption. We would be interested in any information that US Mission Geneva has regarding the dynamic among Human Rights Council members over the issue of the single country mandates. End Comment.
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